

SENATOR ROBINSON: And the time stops. This isn't fair, Senator Baack.

SPEAKER BAACK: Time is up.

SENATOR ROBINSON: This is not fair, he hooked me.

SPEAKER BAACK: Time. Senator Schimek.

SENATOR SCHIMEK: Yes, Mr. President, thank you. Members of the body, Senator Lindsay, I support the concept of your bill. Unlike maybe the last bill that I just voted on, even though I am not certain that I am going to support it in the long run, I still have to get some questions answered, but I support the concept of your bill. However, I have some...I want to ask some follow-up questions to what Senator Robinson was originally asking you about because when some people talked to me about this bill they talked in terms of half would go to Creighton and half would go to the UNMC. And it sort of raised questions in my mind right then because I didn't know that we gave funds to private institutions for cancer research. So I started asking the Fiscal Office and others, and I found out that, indeed, we have done that in the past, that of that 1 cent tax, 500,000 automatically goes to the Medical Center, and the remaining portion, then, is open for competitive grants. And I think that that needs to be in the record and that it needs to be part of this discussion because, as I understand it, and I haven't had time to check this out, there was a court case at some time in the past challenging the distribution of these funds to a private institution, and the court said, at least this is what I have been told, the court said that because these were competitive grants, it was...it was constitutional, that we could do that. My question then of you is, what do...my questions are, I should say, what do you know about that court case? Is my interpretation correct, and if so, what does this bill do? Does it set up an automatic grant to Creighton, or are there other potential institutions that could receive some of this money and, in doing so, then do we pass something that could again be challenged in court and that would be unconstitutional?

SENATOR LINDSAY: Senator Schimek, obviously, anything we pass can be challenged in court. The question is whether there is a legitimate challenge, whether we think a challenge will be